

REMARKS

Claims 1-18 are present in the application. Claims 1, 5, 7, 9, 13 and 15 are currently amended. Claim 17 and 18 are withdrawn.

Claims 5, 7, 13 and 15 are amended to change “male/female” to “female/male”, as suggested by the Examiner.

The independent claims are amended to distinguish over the prior art in a variety of different ways and to clarify the claims. More particularly, they are amended to specify that the tracks are longitudinally-extending and that the one track has added thereto at least one section of the other or spare (cannibalized) track “in longitudinal alignment” therewith, thereby to clarify beyond question that the claims do not relate to track portions added in side-by-side relationship. Additionally, engagement between the forward engagement means and the rear engagement means is characterized as being “clipless” in the sense that there is no separate article (distinct from the two tracks) required to effect the engagement. Finally, the clipless engagement of the rear engagement means at the rear of the one track with the front engagement means of a section of the other or spare (cannibalized) track is stated to be “for extending the depth” of the one track.

Claims 1,3, 4, 7, 9, 11, 12 and 15 are rejected under Section 102(e) as anticipated by Primiano U.S. 6,615,995. Primiano discloses an extension of a track through the use of “track segments called extensions [which] can be added to increase the length of the track device to accommodate longer shelves. Extensions differ from intermediate track segments in the size of the keys and keyways” (col. 2, lines 28-32). The distinction

between the extensions and the actual track segments (such as might be obtained from cannibalizing of an identical track) is clear. "All keyways have the same dimensions, but the keys have different dimensions with the rear track segments and extensions having the largest dimensions to prevent vertical separation" (col 5, lines 12-40, especially lines 35-38). Accordingly, Primiano does not teach the use of "two essentially identical standard depth display tracks for forming a single depth extended display track," but rather one standard depth display track and one or more separately manufactured extensions. Accordingly, the track manufacturer must manufacture not only the track but also various extensions in order to permit the purchaser to variably extend the depth of the track purchased.

Applicant notes that the element numbers used in the rejection based on Primiano do not correspond to the element numbers used in the Primiano '995 Patent.

Applicant reserves the right to file a Declaration under Rule 131 showing invention of the subject matter prior to the October 31, 2001 filing date of Primiano, et al.

Claims 1, 2, 4, 5, 9, 10 and 13 are rejected under Section 102(b) as anticipated by Flum U.S. 5,624,042. The Examiner acknowledges that Flum achieves depth extension only by connecting standard depth display tracks "in side-by-side relationship for forming a single depth extended display track." Flum fails to disclose or even suggest a depth extended track formed from two essentially identical standard depth display tracks detachably connected "in longitudinal alignment" as required by Applicant's claims.

Claims 6, 8 14 and 16 are rejected under Section 103 as unpatentable over Primiano in view of Parham U.S. 6,325,221. For the reason stated hereinabove, Primiano fails to disclose the present invention, even without regard to the failure to place the male/female engagement means below a supporting surface.

The Examiner will note that none of the five figures of Primiano show “at least two essentially longitudinally-extending standard depth display tracks,” as required by Applicant’s claims, except in side-by-side relationship, nor do they show “forming a single depth-extended display track from one of said two standard depth display tracks and at least one section of the other of said two standard depth display tracks in longitudinal alignment with said one standard depth display track,” as also required by applicant’s claims.

In view of the above amendments and remarks, reconsideration of the rejection and allowance of all claims is respectfully requested.

If an extension of time is required to enable this document to be timely filed and there is no separate Request for Extension of Time, this document is to be construed as also constituting a Request for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such a Request for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17 and not submitted herewith should be charged

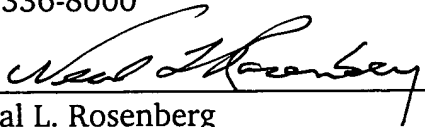
Appl. No.10/043,844
Amdt. dated September 2, 2004
Reply to Office Action of August 13, 2004

to the Deposit Account of the undersigned attorneys, Account No. 01-1785; any refund should be credited to the same account. One copy of this document is enclosed.

Respectfully submitted

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Dated: New York, New York
September 2, 2004

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